IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21773 of 2004

Between:

Mohd. Meeran Mohiuddin, S/o. Late Mohd. Anwaruddin,
R/o. H.No. 4-2-80, Hatai Street, Opp: Lane of Head Post Office,
Nizamabad.

..... PETITIONER

AND

1 Commissioner (Selection Grade), Municipal Council, Nizamabad.
2 Town Planning Officer, Nizamabad Municipality, Nizamabad.
3 Mohd. Azharuddin, S/o. Mohd. Zaheeruddi,
R/o. H.No. 4-2-190 to 193, Hatai Galli, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents
1 and 2 in not demolishing the illegal constructions contrary to the Sanctioned Plan and removing the encroachments made by the Respondent No.3 at H.No. 4-2-107, situated at Hatai Street, Nizamabad, by encroaching the path way which is causing hindrance to the neighbouring residents as illegal, arbitrary and contrary to their duty and consequently direct the respondents to demolish the illegal constructions made by the 3rd respondent and also to remove the encroachments on the public street forthwith.

Counsel for the Petitioner: MR.J.ASHWIN KUMAR

Counsel for the Respondents 1 & 2: MR.R.TIMMA REDDY

Counsel for the Respondent No. 3 : --

The Court at the stage of admission made the following:

ORDER:

The petitioner claims to be residing at H No. 4-2-80, Hatai Street, Nizamabad. The grievance of the petitioner is that the third respondent has obtained a permission from the first respondent for construction building vide proceedings dated 5-2-2003 and in contrary to the said permission has constructed commercial complex and a platform of about 30 feets in length and 3 feet width on the Eastern side of the street occupying the major portion of the approach road to petitioner's house. That the petitioner has made a complaint to the first respondent on 24-8-2004 bringing about the illegal construction made by the third respondent. Alleging that no action has been taken thereon, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Standing Counsel for respondents. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the complaint stated to have been filed by the petitioner dated 24-8-2004 is pending consideration, the respondents 1 and 2 are directed to pass appropriate orders in accordance with law on the representation of the petitioner dated 24-8-2004 after affording reasonable opportunity to both the parties. Such orders shall be passed expeditiously, preferably within a period of 10 days from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

29-11-2004

TVK

1 The Commissioner (Selection Grade), Municipal Council, Nizamabad.
2 The Town Planning Officer, Nizamabad Municipality, Nizamabad.

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